

DRAFT
THE VIRGINIA BOARD OF SOCIAL WORK
MINUTES
FRIDAY, JULY 17, 2009

The Virginia Board of Social Work ("Board") meeting convened at 9:25 a.m. on Friday, July 17, 2009 at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Wayne Martin, Vice-Chair, called the meeting to order.

BOARD MEMBERS PRESENT: Charles R. Chambers, Jr.
Willie T. Greene, Sr.
Susan Horne-Quatannens
Wayne A. Martin
Catherine L. Moore
Francis N. Nelson, Jr.
Dolores S. Paulson
Patricia Smith-Solan

BOARD MEMBERS ABSENT: David Boehm

STAFF PRESENT: Sandra Ryals, DHP Director
Howard Casway, Sr. Assistant Attorney General
Evelyn B. Brown, Executive Director
Elaine Yeatts, Senior Policy Analyst
Patricia L. Larimer, Deputy Executive Director
Catherine Chappell, Operations Manager

ORDERING OF AGENDA

Mr. Martin opened the floor to any changes in the order of the Agenda. Ms. Brown noted that the discussion with representatives from the Virginia graduate schools of social work was postponed until October 17, 2009. Mr. Casway asked that his presentation on the Administrative Process Act be deferred to the end of the Board meeting. Mr. Martin indicated that he would be addressing Petitions for Rule-Making during the Regulatory Committee report. The Chair's report on the Board of Health Professions would be deferred to the October Board meeting. Ms. Horne-Quatannens asked to report on her attendance at the ASWB Conference.

Mr. Martin moved to accept the Agenda as amended. The motion was seconded and carried.

PUBLIC COMMENT

None

APPROVAL OF MINUTES

Mr. Chambers moved to accept the minutes of the April 17, 2009 Board meeting. The motion was seconded and carried.

DHP DIRECTOR'S UPDATE

Ms. Ryals referenced her May 21, 2009, letter to Board members regarding the possibility of a fee increase due to projected budget and expenses analysis. She noted that any fee increase would require a regulatory change.

Ms. Ryals updated the Board on the Agency's Key Performance Measures, noting that while DHP recently met the goal of resolving patient care cases in a timely manner, that the Board itself had not met the established goals. Ms. Larimer explained that the Board currently had a disciplinary case that was an anomaly, that would be continued to be carried on the Board's disciplinary case load for quite some time. Ms. Paulson suggested that a statistical explanation be added to the data in this regard to note the unusually long investigation. With respect to licensure performance measures, Ms. Ryals indicated that the Board met the standards with respect to completed applications and customer satisfaction.

Ms. Ryals informed the Board that computer disruption of Agency operations occurred on April 30, 2009, and that an active criminal investigation continues on the computer intrusion into the Prescription Monitoring Program's database. She noted that there was no evidence that any other system breach occurred and thanked the staff for their efforts during the challenging time.

Additionally, she announced that effective July 1, 2009, the Health Practitioner Monitoring Program (formerly Health Practitioner Intervention Program (HPIP)) was restructured to handle increasing costs associated with the program while continuing to offer a quality program.

HB 1146 UPDATE

Ms. Brown reference the HB 1146 final recommendations in the form of an executive summary, as approved by the Board at the April meeting and subsequently posted on the Board's website. She noted that while Mr. Chambers had drafted the full document, minor editing was still needed before the document could be finalized. Ms Yeatts noted that any substantive changes to the document or recommendation would require further public notice.

The Board agreed that the HB 1146 document would be reviewed further at the October Board meeting and that no action would be taken at this time.

EXECUTIVE DIRECTOR'S REPORT

Ms. Brown announced that the Agency was initiating an online application process in the Fall and that Board staff had been requested to look at their regulations to determine if amendments were needed to accommodate the online process. She indicated that staff would provide an update at the October meeting as to any revisions needed in this regard.

Additionally, Ms. Brown noted that staff has been contacted by applicants who are unable to submit paper verifications from other jurisdictions because the jurisdictions refer the applicants to their available information on the respective websites rather than completing a board-approved form. She asked that the Board consider revising its application requirements to accept online verifications.

Ms. Brown congratulated Catherine Moore on her reappointed to a second term on the Board.

Ms. Brown noted that the recent ASWB newsletter contained inaccurate information on proposed regulatory action in Virginia. She advised that the information had been retracted by the ASWB with the explanation that they had used erroneous information that related to a Petition for Rule-Making that had been denied by the Board.

ASWB CONFERENCE

Ms. Horne-Quatannens reported on her attendance at the ASWB Conference in Quebec which she attended at her own expense.

Ms. Brown noted that the ASWB will allow one Board member to attend the Fall Conference in Florida, scheduled for October 29 – 31, 2009 at ASWB expense. The Conference must be approved in advance and in accordance with established DHP directives.

DISCIPLINARY COMMITTEE REPORT

Ms. Larimer reported that eight complaints were currently in investigation and one case at the Board level was under probable cause review. Five cases were pending in the Administrative Proceedings Division and Office of the Attorney General. No administrative hearings were scheduled at this time. Eleven Confidential Consent Orders had been received and one Consent Order would be presented for Board ratification.

Ms. Larimer presented a summary of recent disciplinary cases closed by staff for the Board's information

REGULATORY COMMITTEE REPORT

Clinical Course of Study

Ms. Yeatts presented proposed regulations, as recommended by the Regulatory Committee, regarding “Clinical Course of Study”. Guidance document language, adopted on April 17, 2009, had been incorporated into proposed regulations in the form of Regulation 18VAC140-20-49. Regulations 18VAC140-20-40, 18VAC140-20-45, and 18VAC140-20-50 would be amended to reference the new regulation.

Ms. Horne-Quatannens moved that the Board adopt the proposed regulations on “Clinical Course of Study”. The motion was seconded and carried.

Fast Track Regulations on CE changes, examination, and supervision

Ms. Yeatts presented the recommendations of the Regulatory Committee regarding nonsubstantive and clarifying changes to the regulations regarding supervision, exam schedule, and continued competency. She noted that the Committee recommended that the proposed amendments be fast tracked.

Ms. Solan moved to adopt the proposed amendments as fast tracked amendments. The motion was seconded and approved.

Petition for Rule-Making

Ms. Yeatts referred the Board to the Petitions for Rule-Making submitted for Board consideration.

1. Carol Gauzens. Ms. Gauzens asked the Board to consider amending Regulation 18VAC140-20-50.C.2. to require supervisors to obtain supervision training one time only (or renewable every ten years, or renewed if the supervisor has been inactive as a supervisor for five or more years) rather than within five years immediately preceding registration of supervision. Ms. Yeatts noted that the Regulatory Committee recommended that the Board deny the Petition because the requirement for 14 hours of continuing education relating to supervision within a five-year period was not unreasonable and was necessary to ensure supervisors remain current with practice and professional standards.

Ms. Horne-Quatannens moved to accept the Committee’s recommendation that the Board deny the Petition. The motion was seconded and passed.

2. Shirley Johnson. Ms. Johnson asked the Board to amend the eligibility requirements of Regulation 18VAC140-20-60.A. to include applicants with a degree from an accredited university in a related field (with ten or more years as a licensed social worker in another state with no disciplinary actions against the licensed social worker). Ms. Yeatts noted that the Regulatory Committee

recommended that the Board deny the Petition because substantially equivalent education for social workers must be maintained.

Ms. Moore moved to accept the Committee's recommendation that the Board deny the Petition. The motion was seconded and approved.

Mr. Martin noted that the next Regulatory Committee meeting was scheduled for 9:00 a.m. on October 16, 2009, to be immediately followed by the Board meeting.

NEW BUSINESS

2010 Board Meeting Dates

The Board agreed to meet on the following days in 2010: January 29, April 16, July 16, and October 15.

CLOSED MEETING TO DISCUSS CONSENT ORDER

Ms. Larimer asked for a closed session to consider a Consent Order for Pamela Guthrie, LSW.

Mr. Greene moved that the Board convene in closed meeting pursuant to §2.2-3711(A)(7) of the Code of Virginia for consideration of a consent order. Additionally, Mr. Greene moved that Board staff, Evelyn Brown, Patricia Larimer and Catherine Chappell, and board counsel, Howard Casway, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

Reconvene. Mr. Greene moved to certify that only public matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. The motion was seconded and passed.

Mr. Chambers moved to accept the Consent Order for Pamela Guthrie. The motion was seconded and approved.

CLOSED MEETING TO DISCUSS ONGOING LITIGATION

Mr. Casway asked for a closed session to address ongoing litigation.

Mr. Greene moved that the Board convene in closed meeting pursuant to §2.2-3711(A)(7) of the Code of Virginia for consultation with legal counsel with respect to ongoing litigation. Additionally, Mr. Greene moved that Board staff, Evelyn Brown, Patricia Larimer and Catherine Chappell, and board counsel, Howard Casway, attend the closed

meeting because their presence in the closed meeting was deemed necessary and would aid the board in its deliberations.

Reconvene. Mr. Greene moved to certify that only public matters lawfully exempted from open meeting requirement under Virginia law were discussed in the closed meeting and only public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. The motion was seconded and passed.

Mr. Martin announced that no action was taken during the closed session.

PROCESSES – ADMINISTRATIVE PROCESS ACT

Mr Casway presented a power point presentation on the Administrative Process Act.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 1:30 p.m.

Wayne Martin, Vice-Chair

Evelyn B. Brown, Executive Director